

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:20-CV-00677-M

PETER S. FARMER,

Plaintiff,

v.

CHRISTOPHER C. MILLER, Acting
Secretary, Department of Defense,

Defendant.

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ORDER

THIS MATTER comes before the court on Defendant's "Motion to Dismiss Plaintiff's Complaint" (DE 14), Plaintiff's "Amended Complaint" (DE 24), and Plaintiff's "Response to Defendant's Motion to Dismiss" (DE 22).

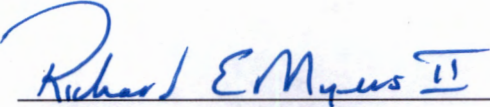
Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course" if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier," Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." *Id.*

Plaintiff filed his Amended Complaint as a matter of course within twenty-one days after receipt of Defendant's Motion to Dismiss. In the Fourth Circuit, an amended pleading supersedes the original pleading, and motions directed at superseded pleadings are to be denied as moot. *Young v. City of Mount Ranier*, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders

original pleading of no effect); *Turner v. Knight*, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

Therefore, Defendant's Motion to Dismiss Plaintiff's Complaint (DE 14) is DENIED WITHOUT PREJUDICE as moot. Defendant shall file an answer or other response to the Amended Complaint in accordance with Fed. R. Civ. P. 15(a).

SO ORDERED this 30th day of June, 2021.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE